

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)
COUNCIL OF CARPENTERS PENSION)
FUND, et al.)
)
Plaintiffs,) Case No. 13 C 6655
)
) Judge Gettleman
)
v.)
)
HAUSERMAN INSTALLS, INC. and)
DENISE M. KASZUBA)
)
Defendants.)

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is an ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On this Court entered an Order of Default against the Defendants for their failure to answer the complaint. (Exhibit A)
3. The Order of Default directed the Defendant, among other things, to submit reports and contributions and the dues deducted from the employees' pay checks. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)
4. The Defendants submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$60,336.56 for the months of July 2013 through January 2014. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$3,808.85 for the period July 2013 through January 2014. (Exhibit B, affidavit of John Libby)

5. Defendant, Denise M. Kaszuba, is personally liable for the dues under the Illinois Wage Payment and Collection Act ,820 ILCS 115/1, et seq. Denise M. Kaszuba is an officer of Hauserman Installs, Inc. and knowingly permitted and willfully refused to remit dues on behalf of its employees in violation of the Wage Act. 820 ILCS 115/14.

6. Hauserman Installs, Inc. owes interest on the unpaid ERISA contributions in the amount of \$734.87 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. Hauserman Installs, Inc. owes liquidated damages on the unpaid ERISA contributions in the amount of \$6,065.06 for the period January 2013 through January 2014 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendant owes the sum of \$4,212.00 for necessary and reasonable attorney fees and costs of \$455.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted against Hauserman Installs, Inc. in the amount of \$75,612.34 and against Denise M. Kaszuba in the amount of \$3,808.85.

Respectively submitted,

s/ DANIEL P. McANALLY
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